

**Subpart Ga—Standards of Performance for Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011**

SOURCE: 77 FR 48445, Aug. 14, 2012, unless otherwise noted.

**§ 60.70a Applicability and designation of affected facility.**

(a) The provisions of this subpart are applicable to each nitric acid production unit, which is the affected facility.

(b) This subpart applies to any nitric acid production unit that commences construction or modification after October 14, 2011.

**§ 60.71a Definitions.**

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

*Affirmative defense* means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

*Monitoring system malfunction* means a sudden, infrequent, not reasonably preventable failure of the monitoring system to provide valid data. Monitoring system failures that are caused in part by poor maintenance or careless operation are not malfunctions. You are required to implement monitoring system repairs in response to monitoring system malfunctions or out-of-control periods, and to return the monitoring system to operation as expeditiously as practicable.

*Nitric acid production unit* means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

*Operating day* means a 24-hour period beginning at 12:00 a.m. during which the nitric acid production unit operated at any time during this period.

*Weak nitric acid* means acid which is 30 to 70 percent in strength.

**§ 60.72a Standards.**

*Nitrogen oxides.* On and after the date on which the performance test required to be conducted by § 60.73a(e) is completed, you may not discharge into the atmosphere from any affected facility any gases which contain NO<sub>x</sub>, expressed as NO<sub>2</sub>, in excess of 0.50 pounds (lb) per ton of nitric acid produced, as a 30-day emission rate calculated based on 30 consecutive operating days, the production being expressed as 100 percent nitric acid. The emission standard applies at all times.

**§ 60.73a Emissions testing and monitoring.**

(a) *General emissions monitoring requirements.* You must install and operate a NO<sub>x</sub> concentration (ppmv) continuous emissions monitoring system (CEMS). You must also install and operate a stack gas flow rate monitoring system. With measurements of stack gas NO<sub>x</sub> concentration and stack gas flow rate, you will determine hourly NO<sub>x</sub> emissions rate (e.g., lb/hr) and with measured data of the hourly nitric acid production (tons), calculate emissions in units of the applicable emissions limit (lb/ton of 100 percent acid produced). You must operate the monitoring system and report emissions during all operating periods including unit startup and shutdown, and malfunction.

(b) *Nitrogen oxides concentration continuous emissions monitoring system.* (1) You must install, calibrate, maintain, and operate a CEMS for measuring and recording the concentration of NO<sub>x</sub> emissions in accordance with the provisions of § 60.13 and Performance Specification 2 of appendix B and Procedure 1 of appendix F of this part. You must use cylinder gas audits to fulfill the quarterly auditing requirement at section 5.1 of Procedure 1 of appendix F of this part for the NO<sub>x</sub> concentration CEMS.

(2) For the NO<sub>x</sub> concentration CEMS, use a span value, as defined in Performance Specification 2, section 3.11, of appendix B of this part, of 500 ppmv (as NO<sub>2</sub>). If you emit NO<sub>x</sub> at concentrations higher than 600 ppmv (e.g., during startup or shutdown periods), you must apply a second CEMS or dual range CEMS and a second span value equal to